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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JAMES DIMICK,

11 Plaintiff,

12 v.

13 Michael J. Astrue, Commissioner of the  
14 Social Security Administration

15 Defendant.

CASE NO. 11-cv-05739-RBL-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,  
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on  
19 Defendant's stipulated motion to remand the matter to the Commissioner for further  
20 consideration. (ECF No.16.)

21 Based on the stipulation of the parties and the relevant record, this Court recommends  
22 that this case be reversed and remanded for further administrative proceedings pursuant to  
23 sentence four of 42 U.S.C. § 405(g).  
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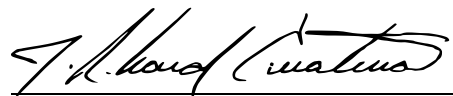
1 On remand, the Administrative Law Judge should reevaluate the medical evidence as a  
2 whole; reevaluate the subjective testimony, specifically the lay witness evidence; re-evaluate  
3 Plaintiff's residual functional capacity; if necessary, perform new step four and step five  
4 analyses; and, obtain the assistance of a vocational expert, present a complete hypothetical to the  
5 vocational expert and ensure consistency with the Dictionary of Occupational Titles.

6 Following proper presentation to the Court, Plaintiff should be entitled to reasonable  
7 attorney's fees and costs pursuant to the Equal Access to Justice Act and 42 U.S.C. § 406(b), if  
8 appropriate.

9 This Court further recommends that the ALJ take any other actions necessary to develop  
10 the record. In addition, Plaintiff should be allowed to submit additional evidence and arguments  
11 to the ALJ on remand.

12 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
13 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
14 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

15 Dated this 12th day of March, 2012.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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